

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEJANDRO VIVAR,	:	
	:	
Plaintiff,	:	22 Civ. 0347 (VM)
	:	
- against -	:	<u>ORDER</u>
	:	
APPLE INC.,	:	
	:	
Defendant.	:	
-----X		

VICTOR MARRERO, United States District Judge.

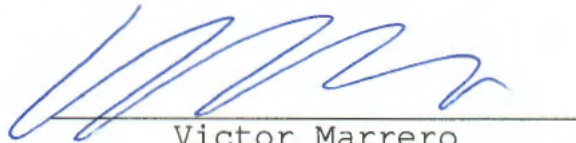
On April 13, 2022, consistent with the Court's Individual Practices, counsel for defendant Apple Inc. ("Apple") sent counsel for Alejandro Vivar ("Vivar") a premotion letter identifying alleged deficiencies in the Complaint (Dkt. No. 1) that Vivar filed in this action, and that allegedly would provide a basis supporting a motion to dismiss. (See Dkt. No. 11-1.) On April 20, 2022, also consistent with the Court's Individual Practices, counsel for Vivar sent a three-page letter in response, opposing the grounds that Apple stated in favor of the proposed motion. (See Dkt. No. 11-2.) On April 29, 2022, the Court received a letter from Apple requesting a premotion conference, and asserting that the letter exchange did not resolve the dispute and thus failed to avoid motion practice at this stage of the proceedings. (See Dkt. No. 11.)

Upon review of all premotion letters, the Court is not persuaded that a premotion conference is necessary to resolve the parties' dispute. However, the Court is persuaded that further briefing is necessary on Apple's claim that this Court lacks personal jurisdiction

over this action. In accordance with this Court's Individual Practices and Rule 7.1 of the Court's Local Rules, Apple may file a motion to dismiss which shall not exceed five pages in length (single spaced, twelve-point font), unless, upon a party's request, the Court authorizes a larger number. The substance of such motion may not deviate materially from the basis for dismissal that Apple stated in its initial premotion letter. In response, within seven (7) days of the filing of the Apple's motion, Vivar may file its opposition, which may similarly not exceed five pages (single spaced, twelve-point font), opposing the motion. Apple may file a three-page reply within seven (7) days of the filing of Vivar's response.

SO ORDERED.

Dated: New York, New York
June 24, 2022



Victor Marrero
U.S.D.J.